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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, MARIELA
GONZÁLEZ, FREDDY JOSE ARAPE RIVAS,
M.H., CECILIA DANIELA GONZÁLEZ
HERRERA, ALBA CECILIA PURICA
HERNÁNDEZ, E.R., HENDRINA VIVAS
CASTILLO, A.C.A., SHERIKA BLANC, VILES
DORSAINVIL, and G.S.,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-01766-EMC

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR LEAVE TO
SEEK RECONSIDERATION (ECF 141)**

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1 Plaintiffs would not normally respond to a motion for leave to seek reconsideration without
 2 awaiting guidance from the Court and without an adequate opportunity to develop all of the reasons
 3 why Defendants' request should be rejected. But this is not a normal situation. The Court directed
 4 Defendants to make limited productions of documents, the last of which is *due today*. ECF 135 (the
 5 "discovery order"). The Court set today as a deadline for the last production because Plaintiffs'
 6 deadline to move for summary judgment is May 27. Incredibly, Defendants have stated that they no
 7 longer will comply with a court-ordered deadline. ECF 141-2 at 4 n.1 ("Defendants will hold the
 8 materials responsive to RFPs 1-2 and 6 until the Court rules on this Motion.").

9 Setting aside what appears to be a textbook example of contempt (a matter about which
 10 Plaintiffs defer to the Court and another day),¹ Plaintiffs respectfully request that, no matter how the
 11 Court rules on the question of whether to grant leave, the Court promptly reaffirm that Defendants
 12 must comply with today's deadline as the discovery order remains in effect. Defendants have no
 13 justification for disregarding a valid court order. The stay granted earlier today by the Supreme
 14 Court in no way forecloses this case and certainly does not purport to address discovery during the
 15 pendency of trial court proceedings. To the contrary, the Supreme Court granted a stay only as to
 16 this Court's March 31, 2025 order, which had postponed when the vacatur as to Venezuela could
 17 take effect. Critically, the Supreme Court made clear that the stay is "*without prejudice*" to
 18 challenges by a variety of TPS holders who have brought this litigation. Defendants utterly fail to
 19 explain how an order recognizing that this case can proceed entitles them to unilaterally refuse to
 20 comply with the discovery order or forecloses discovery to advance the claims of such individuals.
 21 Indeed, the very fact that the Supreme Court granted the stay without prejudice serves as concrete
 22 proof that Defendants' jurisdictional arguments do not and cannot dispose of this action.

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 27 ¹ Every judicial order "must be obeyed" until a court reverses it. *Walker v. City of Birmingham*, 388
 28 U.S. 307, 314 (1967). To permit officials to freely "annul" orders would not just "destroy the rights
 acquired under those judgments"; it would make "a solemn mockery" of "the constitution itself."
United States v. Peters, 9 U.S. (5 Cranch) 115, 136 (1809) (Marshall, C.J.)

1 Plaintiffs thus ask the Court to reaffirm that Defendants must comply with today's deadline.

2 Date: May 19, 2025

Respectfully submitted,

3 ACLU FOUNDATION
4 OF NORTHERN CALIFORNIA

/s/ Emilou MacLean

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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2025, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

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/s/ Emilou MacLean
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